

1 A Yes.

2 Q Now, are you aware of whether the other forms --  
3 now, I don't have them here. I mean, if I did, I would point  
4 them -- you know, I would point you to them. The one I have  
5 here is for December of 1991. Are you aware of whether the  
6 forms for, for example, December of '90, December of '92, and  
7 December of '93, whether they make reference to Trinity  
8 Christian Center or whether they make reference to something  
9 else?

10 A I don't know off-hand, sir. I'm sorry.

11 Q When the form that we're looking at here, the  
12 December 1991 form was sent back, do you know who you sent it  
13 to?

14 A I don't remember.

15 Q Is there a return envelope that you would use or is  
16 this something that you have to address and then send back?

17 A On this one, I'm not -- I'm not sure. We return it  
18 a number of different ways. I've had it FAXed to me and then  
19 FAXed it back. I think I've been sent hard copy and whatever  
20 else. I don't think there was an envelope in there. I think  
21 I probably just sent it in interoffice mail to the TBN  
22 personnel department that handles our personnel things, I  
23 think.

24 Q Do you know whether or not you're the only person  
25 who works at the Portland station who receives a manse

1 allowance?

2 A I believe I am.

3 Q Mr. McClellan, in connection with your trip to  
4 Houston where you were in the company of Reverend Hill --

5 A Excuse me, sir. That was Dallas.

6 Q Excuse me. Dallas. You had made -- you had made  
7 reference to some anniversary for, I guess it was TBN I think  
8 that's what you said.

9 A It was their 20th anniversary, yes.

10 Q 20th anniversary, okay. Because I think we had  
11 heard 50th and we were --

12 A I said 50th?

13 Q Well, that's what we thought we heard.

14 A Oh, I'm sorry. I may have said 50th. 20th  
15 anniversary. I'm sorry.

16 Q Very good. Do you know whether National Minority TV  
17 has legal representation other than the law firm of Mr. Topel?

18 A Well, Colby May and Joe Dunne, I've received  
19 information from them, and from Jane.

20 Q Do you know whether National Minority TV has any  
21 legal representation in the state of California? Our  
22 information is that National Minority TV is a California  
23 corporation.

24 A I don't know that for sure.

25 Q Are you aware of any situations where the Portland

1 station has borrowed equipment from the Trinity Broadcasting  
2 Network or a TBN owned and operated station?

3 A Borrowed equipment?

4 Q Yes, sir.

5 A I believe the Seattle station loaned us a spectrum  
6 analyzer as a courtesy when we first went on the air and we  
7 took it back to them.

8 Q Do you know how that came about?

9 A I believe that Mark told me he needed a spectrum  
10 analyzer and I believe I called Jane and I think she talked to  
11 Ben and Ben worked it out some way, I think. But I'm not for  
12 sure exactly how that happened. All I was told was Jane  
13 called me and said that they were going to let us borrow it.

14 Q Are you aware of any situations where the Portland  
15 station has purchased supplies jointly with any TBN owned and  
16 operated station?

17 A Supplies meaning anything?

18 Q Engineering supplies primarily.

19 A Equipment and whatever? I'm not sure how that  
20 works. I don't know -- specifically can say that it's been  
21 done -- that anything's been done jointly. I don't know that  
22 to be a fact.

23 Q Mr. McClellan, first I'd like to direct your  
24 attention to Mass Media Exhibit 298 which appears in Volume  
25 Five.

1 A 298?

2 Q Yes, sir. And if you can read that to yourself.

3 A Okay.

4 Q Were you aware that Mr. Fountain had sent this memo  
5 to Mr. Miller?

6 A Not this particular -- I don't -- I remember him  
7 talking about a problem with the glycol and I may have this in  
8 my file, but it -- I don't remember this one particularly.

9 Q But you remember Mr. Fountain talking to you about  
10 glycol and then --

11 A Yes.

12 Q -- the process that we talked about earlier that you  
13 would've called Jane Duff and said is it okay if Mark talks to  
14 Ben about this matter?

15 A I believe that was happening at that point. This is  
16 very early when I first got there and we were still trying to  
17 get everything up. So that's the procedure, I believe, that  
18 we implemented by that time. But I -- and I think that was  
19 what was happening right then. But this is real early. This  
20 is just -- I hadn't been there three months. So I remember  
21 him talking to me about it and that we had some problems. But  
22 I don't remember the memo specifically.

23 Q Do you remember him asking you whether or not it was  
24 -- whether he should talk to somebody else or who he should  
25 talk to or how that should work out?

1 A I don't remember that.

2 Q Have you seen -- you think you've seen this memo  
3 before though?

4 A I think I've seen it.

5 Q And you think you -- do you think you saw it on or  
6 about the date that it was prepared?

7 A I remember the discussion about the glycol. That's  
8 all I remember.

9 JUDGE CHACHKIN: You don't remember seeing that  
10 memo. Do you remember seeing that memo?

11 MR. McCLELLAN: I'm sorry, sir. I don't remember  
12 seeing it.

13 JUDGE CHACHKIN: That's what I thought. All right.  
14 We'll be in recess until 1:45.

15 MR. SHOOK: Your Honor, we really only have like two  
16 more questions and then I'm finished and I don't know if  
17 anybody else --

18 JUDGE CHACHKIN: All right. Let's continue.

19 MR. McCURDY: I'll have a few.

20 MR. SHOOK: Well, that was just -- you know, just on  
21 the off-chance that perhaps we'd be finishing up.

22 JUDGE CHACHKIN: Let's continue.

23 BY MR. SHOOK:

24 Q There's only one other thing I'd like you to look at  
25 and that is Mass Media Exhibit 310. It's in the same volume

1 that you have. Have you ever seen this memo before, that memo  
2 that -- excuse me, the memo that appears on Page Two of the  
3 exhibit?

4 A I don't remember this one.

5 Q Do you remember discussing with Mr. Fountain the  
6 subject matter of the memo?

7 A Yes.

8 Q You do? Do you have any recollection of  
9 approximately when that discussion occurred?

10 A It probably happened when this -- when this was  
11 talked about. In those early days, we were running in circles  
12 and the transmitter was a big problem and whatever else and  
13 Mark depended a lot -- he talked to Dick Engh at the Fetterway  
14 (Phonetic) station -- Seattle station a lot and they were very  
15 helpful to us. So he probably told me what he was doing and I  
16 probably said, "Fine. Go for it."

17 MR. SHOOK: Your Honor, I have no further questions.

18 JUDGE CHACKIN: Do you have any questions?

19 MR. McCURDY: Yeah, just a few questions.

20 CROSS EXAMINATION

21 BY MR. McCURDY:

22 Q I'm referring to your testimony on Page Eleven,  
23 Paragraph 16. You probably don't need to look at it. At the  
24 bottom. I'm talking about the TBN programming which is viewed  
25 on the Portland area cable stations.

1           A     Okay, sir.

2           Q     And Mr. Shook already asked you a couple of  
3 questions on that and I was unclear as to -- what were your  
4 conversations with Mrs. Duff concerning your contacting the  
5 Portland area cable stations?

6           A     When I first came to -- when I was in her office  
7 during training -- she trained me on the basics. She told me  
8 that one of the jobs -- she outlined the station manager's  
9 duties and one of the jobs I would need to do is contact local  
10 cable systems in the area and ask them to carry our  
11 programming when you are able to and the first priority, of  
12 course, was building and doing construction. But sometimes I  
13 needed to do that. That was part of my job.

14          Q     And then did you have any further discussions with  
15 her regarding that?

16          A     We talked about it since that time. I did reports  
17 to her what I was working on and things like that, so I'm sure  
18 we talked about it.

19          Q     But when you went to the Portland area and you first  
20 -- I believe you testified in early 1990, it was the first  
21 time you attempted to contact the area cable stations.

22          A     Yes.

23          Q     Did you report back to her at that time?

24          A     I'm sure I did. I just -- probably something brief  
25 like, "I'm not having a whole lot of luck."

1 Q And did you discuss the fact that TBN was already  
2 carried on several of these cable operators?

3 A Yes.

4 Q And at that time, did she -- what were her  
5 instructions concerning that, that fact that they were already  
6 being -- TBN was already being --

7 A Well, that didn't matter to us because we were  
8 National Minority Television and we wanted them to carry our  
9 Channel 24 signal.

10 Q And did you discuss the arrangement that TBN had  
11 with these stations?

12 A I don't think we did. I think it might've been  
13 something brief like, "Well, they may have signed an  
14 agreement, but --" I think there's -- it's my understanding --  
15 now, this is only my conjecture, is the fact that I think  
16 there's agreements. So I think I heard this in managers  
17 meetings when they were talking about affiliates and they were  
18 teaching affiliates how to talk to cable systems, that they'll  
19 buy equipment for them to help them on or whatever. So we  
20 didn't -- I didn't know what the agreement was with Trinity,  
21 but the idea was we wanted them to go to Channel 24 because we  
22 were not Trinity.

23 Q Yeah, I understand that, but Mrs. Duff was also  
24 working at TBN at this time and I was wondering if she  
25 presumably had access or could know what TBN's relationship



1 was to these cable operators and I was wondering if you ever  
2 discussed that relationship?

3 A I don't believe we really ever did because my whole  
4 focus was that we were a local station. They needed to carry  
5 us, regardless whether they carried TBN or what they carried.  
6 They needed to carry us.

7 Q But in fact, no cable operator that was carrying TBN  
8 programming ever picked up the Portland station, correct, your  
9 station?

10 A They have now.

11 Q Until -- I'm sorry. Until the Must-Carry rules went  
12 into effect.

13 A Yes.

14 Q And the only station that -- but you were able to  
15 get carriage on one station that was not carrying TBN  
16 programming originally, correct?

17 A Yes. Right.

18 Q And that's the only cable operator that --

19 A Yes. We talked them out of going with TBN and going  
20 with us instead.

21 Q But they weren't carrying TBN at that time.

22 A Not at all at that point. No, they weren't.

23 Q And they were carrying some other religious --

24 A Yes.

25 Q -- broadcast. And did you have any discussions with

1 any other TBN employees concerning TBN's relationship to the  
2 cable -- Portland area cable operators?

3 A When we went to the managers meetings, Bob Higley,  
4 who was the TBN cable rep, helped all the affiliate stations  
5 to how to get programming on their station and he had  
6 developed some tools for Trinity stations to use and their  
7 affiliates to talk about why a station should consider  
8 carrying the Trinity Broadcasting Network programming rather  
9 than other religious organizations or whatever else. And so  
10 we were able -- we were privy to that information and that --  
11 those packets of information and we took them back and used  
12 them in our presentations, too.

13 Q At that time, was there any discussion about a  
14 possible conflict of interest between TBN and NMTV --

15 A No.

16 Q -- concerning competing for the cable operator?

17 A No. I told them I wanted them to carry Channel 24  
18 and --

19 Q But you didn't -- I'm sorry. What was this person's  
20 name?

21 A Bob Higley.

22 Q Bob Higley. You didn't specifically talk to him  
23 about the Portland area cable stations.

24 A No, he was helpful in -- he had paper work showing  
25 the cable systems that were in that area that they were

1 already on and I took that information, you know, and used it  
2 for stations I knocked on doors for.

3 Q And I have one final question about your prayer  
4 partner hotline.

5 A Yes.

6 Q Now, when people call in on the prayer partner  
7 hotline, do you take their addresses so you can keep track of  
8 where they're calling from?

9 A If they ask to be on the mailing -- if they ask to  
10 be on the TBN mailing list, then we take it down and send it  
11 to TBN so they can be on the TBN mailing list. If they ask  
12 for a church or a local prayer supervisor recommends a church  
13 in their area or if they need counseling or they need  
14 ministry, we take down their address and give it to a local  
15 church or pastor or one of the -- we have a resource directory  
16 book of resources and so we take care of -- that's all done  
17 locally.

18 Q But -- and if they do provide their address, where  
19 does that address go?

20 A If they ask to be on the TBN mailing list, we send  
21 that to TBN in California so they can be entered on the list  
22 and receive the newsletter.

23 Q And does TBN -- or besides the Praise-a-thon, how  
24 else is money raised? Is there any other direct -- money  
25 raised directly from viewers?

1           A     People send money to us made out to KNMT TV-24. We  
2 also -- TBN pays us for carrying --

3           Q     Right. I'm specifically asking about contributors,  
4 viewers, and I'm just wondering, besides the Praise-a-thons,  
5 how else is revenue generated from viewers?

6           MR. TOPEL: Objection. I think that's irrelevant,  
7 Your Honor. The funds solicitation issue was denied in the  
8 Hearing Designation Order. This line of questioning has been  
9 disallowed previously, I believe.

10          JUDGE CHACHKIN: I don't know if he's going to that.

11          MR. McCURDY: Your Honor, they are, I believe, using  
12 the prayer line as part of their -- as part of their community  
13 outreach.

14          JUDGE CHACHKIN: I'll overrule it. Let's see where  
15 you're going with this. I don't think he's getting to fund  
16 solicitation. Go ahead. I think he's getting to what the  
17 revenue sources are of the station. Well, let's see.

18          MR. McCURDY: Well, Your Honor, I am just trying to  
19 establish how revenue is generated and if it is generated  
20 through the prayer hotline.

21          JUDGE CHACHKIN: Go ahead.

22          BY MR. McCURDY:

23          Q     And that's my next question. As the addresses are  
24 sent to TBN headquarters, are solicitations made based on that  
25 address list?

1           A     No. They're put on the mailing list and they  
2 receive the monthly newsletter. Now, in the newsletter,  
3 there's an envelope if they want prayer requests or they would  
4 like to -- a message to someone or if they want to put a gift  
5 in, they can. But during the Praise-a-thon, we shut our  
6 prayer lines down, so that they call directly to TBN for that.  
7 That's part of our agreement.

8           Q     And does TBN do any direct calling to your  
9 knowledge?

10          A     Excuse me?

11          Q     Does TBN do any direct calling to the viewers, to  
12 the people on their address list to request contributions?

13          A     I've never heard of anything like that. As far as I  
14 know, I know we don't do anything like that.

15          Q     But -- and to your knowledge, TBN does not do  
16 anything like that?

17          A     To my knowledge. They never did it when I was  
18 there.

19               MR. MCCURDY: I have no further questions.

20               JUDGE CHACHKIN: Any redirect?

21               MR. TOPEL: No, Your Honor.

22               JUDGE CHACHKIN: When you -- there's something I'm  
23 not clear about. You say there was a cable system that was  
24 not carrying TBN and you got them to carry you directly  
25 instead of picking up TBN on the satellite? Is that what

1 you're saying?

2 MR. McCLELLAN: Yes, sir, Your Honor.

3 JUDGE CHACHKIN: Well, at the time, do you know  
4 whether there was actually any negotiations by TBN with this  
5 cable company?

6 MR. McCLELLAN: Yes, Your Honor. I had been  
7 informed that the cable director or the man that was in  
8 charge, manager told me he had talked to this lady -- and I  
9 can't remember her name. I'm sorry. Della somebody from the  
10 TBN and they were looking all them and I talked them out of  
11 carrying them and told -- because -- that we would be doing  
12 local things and whatever else and that if he was going to  
13 carry -- rather than carrying a network, he was going to have  
14 arguments from his -- from his constituents as to why was he  
15 -- whatever network, it was -- it was a no-win situation. He  
16 was going to make somebody mad.

17 But if he carried the local station, that would be a  
18 good argument for him, that he carried a local station with  
19 local prayer numbers, local His Hand Extended, and so he  
20 agreed that that was a wise way to go.

21 JUDGE CHACHKIN: But you also told him if he carried  
22 you, he'd also have the benefit of TBN, would he not?

23 MR. McCLELLAN: He would get the TBN programs, other  
24 than the ones that we preempt.

25 JUDGE CHACHKIN: And he wouldn't have to pay the

1 expense of satellite, I assume.

2 MR. McCLELLAN: Yes, Your Honor.

3 JUDGE CHACHKIN: All right. You're excused. Thank  
4 you. You said something about you wanted to do something  
5 about the -- withdraw some exhibits?

6 MR. EMMONS: Yeah. I guess this would be a good  
7 time, Your Honor.

8 JUDGE CHACHKIN: Why don't we do that and finish up  
9 with that part of the case?

10 MR. EMMONS: I don't have the volume of exhibits in  
11 front of me. I think maybe it would be safer --

12 JUDGE CHACHKIN: To do it tomorrow morning?

13 MR. EMMONS: That would be fine. I do have two  
14 things to offer that are clean-up matters. Mr. Honig had  
15 requested a stipulation concerning some matters referred to in  
16 Paragraph 52 of Mr. Everett's testimony and I prepared a  
17 stipulation and gave it to Mr. McCurdy two days ago and I need  
18 to talk with him and see if that's acceptable. If it is, I'd  
19 like to introduce that stipulation perhaps as a TBF exhibit.

20 The second and final matter is that there were  
21 questions raised with respect to the issues programs list for  
22 the first quarter of 1987 or whatever year was our first year  
23 of the license term because the term didn't begin until  
24 February 1 and some of the things, public service  
25 announcements, were in January which is before the license

1 term, so we were asked to go through the list and delete  
2 public service announcements that ran in January and we have  
3 done that and I have a revised exhibit which crosses out  
4 everything that ran in January.

5 JUDGE CHACHKIN: Have you given copies to the  
6 parties?

7 MR. EMMONS: Yes. I think I gave copies of both of  
8 those items to all the parties a few days ago. They may have  
9 --

10 MR. COHEN: I don't recall it.

11 MR. EMMONS: I better make some more copies.

12 MR. COHEN: I'm not doubting you.

13 MR. EMMONS: I'm quite sure I did, Your Honor, but I  
14 better bring some more and distribute them. So perhaps  
15 tomorrow would be a better time to put this all on the record  
16 and at that time, I think I can also formally withdraw the  
17 exhibit relating to the composite week.

18 JUDGE CHACHKIN: Other than that, we're finished  
19 with those issues.

20 MR. EMMONS: Yes. I believe so, Your Honor.

21 JUDGE CHACHKIN: Yes, go ahead, Mr. Shook.

22 MR. SHOOK: Your Honor, there is one other matter  
23 that the Bureau and Mr. Topel had been talking about and  
24 that's in connection with the deposition of Janice Crouch,  
25 that there was some back and forth between us as to offering a



1 very small portion of that. I believe we're very close to a  
2 final understanding in terms of how that will work. But we  
3 may not be in a position to actually submit anything to Your  
4 Honor and the court reporter until tomorrow morning.

5 JUDGE CHACHKIN: Well, there's no hurry.

6 MR. TOPEL: And in fact, I owe the Bureau a  
7 stipulation on another matter which I'm aware of and the  
8 process. So we may have two stipulations to submit sometime  
9 between now and the close of the record.

10 JUDGE CHACHKIN: All right. I think we're going to  
11 start tomorrow at 9:30 considering weather conditions instead  
12 of nine which I had talked about. I assume your witness will  
13 be here by tomorrow at nine?

14 MR. COHEN: Well, I -- can we go off the record?

15 JUDGE CHACHKIN: Yes, we'll go off the record.

16 (Off the record 12:55 p.m.)

17 (On the record 1:00 p.m.)

18 JUDGE CHACHKIN: We'll be in recess until 9:30  
19 tomorrow morning then.

20 (Whereupon, at 1:00 p.m. on Tuesday, January 18,  
21 1994, the hearing adjourned.)  
22  
23  
24  
25

**CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER**

IN THE MATTER OF TRINITY BROADCASTING OF FLORIDA, INC.

**Name** AND GLENDALE BROADCASTING COMPANY

MM DOCKET NO. 93-75

**Docket No.**

WASHINGTON, D.C.

**Place**

JANUARY 18, 1994

**Date**

We, the undersigned, do hereby certify that the foregoing pages, numbers 4398 through 4513, inclusive, are the true, accurate and complete transcript prepared from the reporting by MARYKAE FLEISHMAN in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

January 27, 1994  
**Date**

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